



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यसामन द्वारा प्रकाशित

शिमला, शुक्रवार, 11 दिसम्बर, 1992/20 अप्रहायण, 1914

HIMACHAL PRADESH VIDHAN SABHA SECRETARIAT

NOTIFICATION

Shimla-4, the 10th December, 1992

No. 6-13/92-VS.—In exercise of the powers conferred under rule 27 of the Himachal Pradesh Vidhan Sabha Secretariat (Recruitment & Conditions of Service) Rules, 1974, framed and notified under Article 187 (3) of the Constitution of India by the Governor, Himachal Pradesh ; the Speaker, Himachal Pradesh Vidhan Sabha is pleased to make the following Regulations:—

(i) These Regulations may be called the “Himachal Pradesh Vidhan Sabha Secretariat Regulations, 1992” and shall come into force at once.

1. Definitions.—In these Regulations, unless the context otherwise requires,—

(a) “Budget Estimates” means the Annual Financial statement of Himachal Pradesh Vidhan Sabha under Demand No. 1;

(b) ‘Committee’ means the Committee of Himachal Pradesh Vidhan Sabha appointed by the Speaker from time to time to evaluate and examine the working of the Himachal Pradesh Vidhan Sabha Secretariat under Rule 193 of the Himachal Pradesh Legislative Assembly Procedure Rules, 1973;

- (c) "Constitution" means the Constitution of India;
- (d) "Consultation" means the consultation as provided in the Rules of Himachal Pradesh Vidhan Sabha Secretariat (Recruitment & Conditions of Service) Rules, 1974, with the Department of Finance and does not mean concurrence;
- (e) "Department of Finance" means the Department of Finance of the Himachal Pradesh Government;
- (f) "Deputation" means the temporary transfer or loan of the services of an Officer from the Secretariat to any office outside the Secretariat or *vice-versa*;
- (g) "Governor" means the Governor of Himachal Pradesh;
- (h) "Officer" means a person appointed to, or borne on the cadre of the Secretariat staff of the Himachal Pradesh Vidhan Sabha;
- (i) "Post" means a post in the Secretariat and a post shall be deemed to be a post in Class-I, Class-II, Class-III or Class-IV, according as such post is specified in Class-I, Class-II, Class-III or Class-IV as the case may be, in the First Schedule of the Rules;
- (j) "Secretary" means the Secretary of the Himachal Pradesh Vidhan Sabha;
- (k) "Secretariat" means the Secretariat of the Himachal Pradesh Vidhan Sabha;
- (l) "Speaker" means the Speaker of the Himachal Pradesh Vidhan Sabha; and
- (m) "An Officer in Class-I, Class-II, Class-III or Class-IV" means an officer holding a post in Class-I, Class-II, Class-III or Class-IV, as shown in the First Schedule of the Rules.

2. Allocation of disposal of Business in the Himachal Pradesh Vidhan Sabha Secretariat.—

- (i) Subject to the overall superintendence and control of the Speaker, the Secretary shall administer the Secretariat and shall exercise full control over the Secretariat Officers and staff.

(ii) The cases regarding sanction of permanent posts and temporary posts as specified under Rule-3 of the Rules *ibid*, shall be sanctioned and created by the Speaker in consultation with the Department of Finance. The cases under rule-3 shall be initiated by the Secretary, Himachal Pradesh Vidhan Sabha as per the recommendations made in the Report of the Committee appointed by the Speaker, from time to time and in all other matters where the consultation of the Department of Finance is required under the Rules, shall be sent to the Department of Finance by the Secretary, Himachal Pradesh Vidhan Sabha. The Department of Finance shall give their opinion within the stipulated period of consultation. In case there is difference of opinion between the Department of Finance and the Vidhan Sabha Secretariat, the matter shall be brought to the notice of the Speaker and he may further hold consultation with the Hon'ble Minister of Finance and thereafter the concensus arrived at in the matter and orders thereon passed by the Speaker shall be final.

(iii) Provided that in case no opinion is arrived at and conveyed to the Vidhan Sabha Secretariat by the Department of Finance within the consultation period, the matter shall be brought to the notice of the Speaker and his orders in that case shall be final.

Note. — "Consultation period" means a period of 3 months at the maximum from the date of issue of the communication from Himachal Pradesh Vidhan Sabha Secretariat to the Department of Finance.

3. Administrative and Financial Powers of the Secretary, Himachal Pradesh Vidhan Sabha Secretariat.—

(i) The Secretary shall exercise all the powers of the Secretary to the Government, both Administrative and Financial that have been or may hereinafter be framed by the State Government for the Secretary to the Government from time to time or such powers as may be delegated to him by the Speaker from time to time under the Rules.

(ii) All Administrative and Financial sanctions shall be issued in the name of the Speaker.

(iii) All cases of Administrative and Financial powers beyond the competency of the Secretary shall be put up to the Speaker for his approval.

4. Authentication of orders passed by the Speaker.—All orders passed by the Speaker under

the provision of the Rules and Regulations and executed in the name of the Speaker, shall be authenticated by the Secretary, Himachal Pradesh Vidhan Sabha.

5. Method of recruitment.—(i) The Secretary shall be appointed by the Governor in consultation with the Speaker as per Rule-8 of the Rules *ibid*.

(ii) In pursuance of the Rule-6 of the Rules *ibid*, there shall be a Standing Departmental Promotion Committee headed by the Secretary, Himachal Pradesh Vidhan Sabha in which two other senior Officers shall be co-opted from time to time for the recruitment and promotion of the posts upto the level of Class-II (Gazetted).

(iii) As far as Class-I posts are concerned, the cases for promotion and appointment of Class-I posts except that of the Secretary in the Himachal Pradesh Vidhan Sabha Secretariat shall be put up by the Secretary, Himachal Pradesh Vidhan Sabha to the Speaker for his final orders.

6. Deputation.—Subject to the condition of Rule-12 of the Rules *ibid*, the services to Vidhan Sabha Secretariat on deputation and *vice-versa* shall be made by the Speaker.

7. Orders issued by Government.—The executive and financial orders issued by the Government from time to time shall not automatically apply to the Himachal Pradesh Vidhan Sabha Secretariat but may be made applicable after due examination and approval of the Speaker.

8. Applicability of various services and Financial Rules.—Until the Himachal Pradesh Vidhan Sabha Secretariat frame their own set of Rules, the present Conduct Rules, Fundamental Rules, Leave Rules, G.P.F. Rules, T.A & D.A. Rules, Leave Travel Concession Rules, Pension Rules, Himachal Pradesh Financial Rules, Medical Reimbursement Rules and other service Rules framed by the Government from time to time shall be made applicable to the Himachal Pradesh Vidhan Sabha Secretariat *mutatis-mutandis*.

9. Preparation of budget.—In framing the budget estimates, utmost foresight shall be exercised. All items of expenditure that could be foreseen shall be provided for and care shall be taken to see that the provision is made under the proper Head. When estimates are prepared each item of expenditure shall be correctly estimated and budgeted and no account shall be taken of the fact that in another item which has been budgeted, there may be saving. Though all foreseeable items should be provided for, it is essential that the amount of provision should be restricted to the absolute minimum necessity.

After the estimates have been prepared by the Secretary, Vidhan Sabha, they will be placed before the Budget Committee of the Himachal Pradesh Vidhan Sabha, for scrutiny and recommendations. These estimates with the recommendations of the Committee will then be put up to the Speaker for his orders. Orders of the Speaker will be final and thereafter the estimates shall be forwarded to the Department of Finance for incorporation in the Annual State Budget, as a matter of course. In case the Department of Finance has any suggestion to make that shall be submitted to the Speaker for his consideration. In the event of any difference of opinion between the Speaker and the Department of Finance, the Speaker, after consultation with the Hon'ble Minister-in-charge of the Finance Department, shall pass his final orders, and thereafter the budget will be incorporated accordingly as suggested in Demand No. 1.

10. Reference to the Department of Finance.—All proposals for purely new expenditure will be referred to the Department of Finance not later than the 30th of October each year. Efforts, however, should be made that schemes are prepared and submitted as soon as possible to give enough time to the Department of Finance to examine them.

The Department of Finance shall complete examination of all new proposals and communicate its opinion by 30th of November each year.

Immediately on receipt of intimation from the Department of Finance statement of accepted items estimates in the prescribed form will be prepared and sent to the Department of Finance so as to reach them not later than the 15th December each year in respect of all items whether accepted finally or provisionally as enumerated in Regulation No. 9 supra.

11. Re-appropriation of funds.—The expenditure for which no provision has been made in the original budget estimates should rarely, if ever, be incurred.

It may, whenever be found that an excess is likely owing to either ;

- (a) (i) an unforeseen emergency ;
- (ii) under-estimate or insufficient allowance for factors tending to growth of expenditure;

OR

(b) When such an excess becomes known, the following procedure will be adopted :—

- (i) Allotment against each detailed head under each primary unit should be examined with the object of discovering the probable savings and effecting a transfer. If this is feasible, necessary transfer shall be made and an intimation to this effect shall be sent to the Department of Finance.
- (ii) If provision of fund from within the primary unit of appropriation is not possible, examination of the grant as a whole should be undertaken to see if there are savings under any primary units of appropriation. If so, the transfer of fund will be made and an intimation to this effect shall be sent to the Department of Finance.
- (iii) If no savings are available, it should be considered whether special economies can be effected to yield the requisite savings. If this also proves impossible, it should be considered whether excess can be made by postponement of expenditure or an application for supplementary grants should be made.

Re-appropriation which implies the transfer of funds from one primary unit of appropriation to another sub-unit within the grant shall be sanctioned with the prior approval of the Speaker and an intimation thereof shall be sent to the Department of Finance:

Provided that in the case of any financial emergency, the Vidhan Sabha budget may also be automatically affected.

BY ORDER,

Speaker, H.P. Vidhan Sabha.

Secretary.